

**REMARKS**

This responds to the non-final Office Action dated 11 January 2008. Claims 1-28 stand rejected. Claims 1-14 have been amended. Claims 15-28 have been cancelled. Claims 29-33 have been added. Applicant respectfully requests reconsideration in light of the foregoing amendments and the following remarks.

***Substance of the Interview***

Applicant thanks the Examiner and the Examiner's supervisor for their thoughts and comments in the in-person interview conducted with Applicant's undersigned representative on 1 May 2008. Various amendments to claim 1 was discussed. Applicant's undersigned representative noted that Ruckdashel does not teach receiving data from a practice management system, and the Examiner suggested that claim amendments focusing on how data is imported from a practice management system may distinguish the claimed invention over Ruckdashel.

***Claim Rejections – 35 U.S.C. § 101:***

In this Action claims 15-28 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 15-28 have been cancelled without prejudice. Therefore, the rejections under 35 U.S.C. § 101 are moot.

***Claim Rejections – 35 U.S.C. § 112:***

Claims 1-28 stand rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. Claims 1-14 have been amended to address the Examiner's concerns, and claims 15-28 have been cancelled.

***Claim Rejections – 35 U.S.C. § 102***

Claims 1 stands rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,038,542 to Ruckdashel (“Ruckdashel”). Applicant respectfully submits that amended claim 1 clearly distinguishes over Ruckdashel. Ruckdashel does not show, teach, or suggest various elements of claim 1. For example, Ruckdashel does not teach “reading a plurality of patient records from a file exported from a practice management system of a dental business.” Ruckdashel also fails to teach creating and sending test messages that comprise the appointment data of patients.

***Ruckdashel Does Not Teach Reading a Plurality of Records from an Exported File***

Ruckdashel does not teach reading a plurality of records from a file exported from a practice management system. Instead, in Ruckdashel’s system “the user provides access to his or her scheduling information to the appointment notification software executing on the server 210. This is necessary to allow the appointment notification software to read at least some of the entries in that person’s schedule, and thus notify that person as the time for the event approaches.” *Column 5, lines 13-18*. Thus, Ruckdashel’s system operates by reading entries from a user’s schedule. In contrast, claim 1 obtains patient records for a plurality of patients from a single file provided by a third-party source—a practice management system. For at least this reason, Ruckdashel fails to anticipate claim 1.

***Ruckdashel Does Not Teach Creating And Sending Text Messages***

Claim 1 also distinguishes over Ruckdashel by reciting creating and sending text messages to patients. Ruckdashel discloses that the “notification server places a wireless telephone call to the user,” but does not disclose sending a text message to the telephone number of a patient. *Column 9, lines 4-5*. Indeed, Ruckdashel does not even

discuss text messages in any context and does not teach sending any type of message to a patient. For at least these reasons, claim 1 further distinguishes over Ruckdashel.

Applicants therefore submit that Ruckdashel does not anticipate claim 1. Accordingly, claim 1, as well as claims 2-14, which depend from claim 1, clearly distinguish over Ruckdashel. Claims 2-14 also recite various features that further distinguish over Ruckdashel.

Claim 2 further distinguishes over Ruckdashel by reciting "reading data posted via an https socket." Ruckdashel does not teach anything comparable to reading patient data posted via an https socket. Claim 3 further distinguishes over Ruckdashel by reciting "generating reminders for each patient identified in the plurality of patient records." Ruckdashel does not discuss identifying patients in a plurality of patient records or generating reminders for each patient identified.

Claim 4 further distinguishes over Ruckdashel by reciting "validating a name and unique identifier of the first patient." Ruckdashel does not discuss unique identifiers, much less validating unique identifiers and names of patients. Claim 5 further distinguishes over Ruckdashel by reciting "receiving a log-in request via a browser of the dental business." Ruckdashel does not disclose a process for a business to log into Ruckdashel's system via a browser. Ruckdashel also fails to disclose "querying the dental business to determine whether the dental business wants to import patient data" and "receiving a response indicating that the dental business wants to import patient data," as recited in claim 5. Applicant also notes that Ruckdashel fails to disclose the importing feature recited in claim 5.

Claims 8-10 further distinguish over Ruckdashel by discussing how templates may be used in creating text messages. For example, claim 8 recites creating a text

message based on a template, claim 9 recites that the template comprises first and second tokens, and claim 10 recites "creating the text message based on the template comprises replacing the first token with a name of the patient and replacing the second token with a time of an appointment of the patient." Ruckdashel does not disclose these features.

Claim 11 further distinguishes over Ruckdashel by reciting that "the text message comprises information that identifies the dental business." Ruckdashel does not address sending messages from third parties, such as dental businesses, and therefore has no reason to, and in fact does not, teach identifying a third party in a message.

Claim 13 further distinguishes over Ruckdashel by reciting "retrieving local service provider data based on the patient records." In fact, Ruckdashel does not teach retrieving service provider data in any context. Similarly, claim 14 further distinguishes over Ruckdashel by reciting "determining a local service provider gateway based on the patient records."

***Requirement For Information Under 37 CFR 1.105***

The following discussion provides answers to the Examiner's requests for information in sections 11, 13, and 14 on pages 9-11 of the Office Action.

***Section 11***

A. To the extent Applicant understands this inquiry, Applicant first publicly disclosed TopSpin MRS in July of 2002. Before the effective filing date of the present application Topspin was only disclosed in the Applicant's web site, and the only copies of the web site Applicant has been able to identify at this time are at the website <http://www.archive.org/web/web.php> under [www.communitect.com](http://www.communitect.com).

B. To the extent Applicant understands this inquiry, Applicant first publicly disclosed Smile Reminder in February of 2002 on Applicant's web site. Applicant believes that before the effective filing date of the present application Smile Reminder was only disclosed in the Applicant's web site. The only copies of the web site Applicant has been able to identify at this time are at the website <http://www.archive.org/web/web.php> under [www.communitect.com](http://www.communitect.com).

C. Applicant is uncertain about when NEXT-m was first publicly disclosed. To the best of Applicant's knowledge, NEXT-m may have been disclosed in March of 2000. Applicant believes that before the effective filing date of the present application NEXT-m was only disclosed in the Applicant's web site, and the only copies of the web site Applicant has been able to identify at this time are at the website <http://www.archive.org/web/web.php> under [www.communitect.com](http://www.communitect.com).

D. No.

E. No.

F. No.

### *Section 13*

The Examiner requests, "Please provide the names of any products or services that have incorporated the claimed subject matter." Smile Reminder's patient messaging software system incorporates the claimed subject matter.

### *Section 14*

The Examiner requests, "Please state the specific improvements of the subject matter in claims 1-28 over the disclosed prior art and indicate the specific elements in the claimed subject matter that provide these improvements." In response to this


request, Applicant refers the Examiner to the foregoing discussion of rejections under 35 U.S.C. § 102, which show how the claims distinguish over Ruckdashel.

**CONCLUSION**

For at least the foregoing reasons, Applicant believes that each of the presently pending claims in this application is in immediate condition for allowance. Accordingly, Applicant respectfully requests a favorable action on the merits. If the Examiner has any further comments or suggestions, Applicant invites the Examiner to telephone the undersigned attorney to expedite the handling of this matter.

Respectfully submitted,

Date: 5/12/2008

  
\_\_\_\_\_  
Bryan Hanks  
Registration No. 52,991